

## REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated June 9, 2005. Claims 1-11 are currently pending in the application. It is gratefully acknowledged that the Examiner has allowed Claims 4-11 and found allowable subject matter in Claims 2-3.

In the Office Action, the Examiner has again rejected Claim 1 under 35 U.S.C. §103 (a) as being unpatentable over *Kahn et al.* (U.S. Patent Application Publication No. 2001/0056560) in view of *Dorenbosch et al.* (U.S. 5,801,639). Additionally, the Examiner has again objected to the drawings.

With regard to the objection to the drawings, the Examiner again asserts that FIGs. 1-3 should be labeled as "PRIOR ART", as it appears that the U.S.P.T.O. did not process the previously submitted replacement drawings. Accordingly, another set of replacement drawings for FIGs. 1-3 are enclosed herewith, which include the legend "PRIOR ART". Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

With regard to the rejection of independent Claim 1, the Examiner has again stated that *Kahn* teaches all the recitations of Claim 1, except for retransmitting as many times as the retransmission frequency, which the Examiner asserts is taught in *Dorenbosch*. However, it is again respectfully submitted that the Examiner is incorrect.

More specifically, the Examiner cites column 5, lines 52-67, and column 4, lines 50-62 of *Dorenbosch*, as teaching *retransmitting as many times as the retransmission frequency*. However, these cited sections respectively read as follows:

Column 5, lines 52-67.

Moreover, when the signal quality measurement is completed the message is preferably discarded from the targeted SCT's 116 memory. Thereafter, in step 305, SCT 116 measures the signal quality of the demodulated message. The signal quality level of the message is determined from a data error rate measurement, and/or a signal to interference measurement as described above.

SCT 116 then proceeds to step 306 to construct the response signal representative of the measured signal quality. In step 308 SCT 116 transmits the response signal to the messaging system, providing the messaging system a means for improving the signal quality of messages transmitted to SCT 116. In step 309, the SCT 116 receives a WTL message from the messaging system instructing it to listen to a selected frequency channel for receiving a third message.

Column 4, lines 50-62.

In situations where the signal quality level measured by SCT 116 is of a high quality, i.e., minimal noise interference, the controller 108 can select to transmit the third message using an aggressive frequency reuse plan and/or transmission power plan. For example, the controller 108 can select to use a frequency reuse plan that is more aggressive than the frequency reuse plan used for transmitting the second message, while maintaining the same transmission power plan used previously. It will be appreciated that any suitable combination of adjustments to the frequency reuse plan and the transmission power plan can be used by the controller 108 for reliably transmitting the third message to SCT 116 in accordance with the signal quality level measured.

As shown above, none of the sections of *Dorenbosch* cited by the Examiner appear to teach that a message is retransmitted as many times as the retransmission frequency, i.e., that a message is retransmitted as many times as indicated by the retransmission frequency, as recited in Claim 1. For example, if the retransmission frequency is four times, then the message is retransmitted four times. Further, it is respectfully submitted that there are no other sections of *Dorenbosch* that teach this recitation. Additionally, as stated by the Examiner, *Kahn* does not teach this recitation.

Therefore, it is again respectfully submitted that the Examiner is incorrect in rejecting Claim 1, as being unpatentable over *Kahn* in view of *Dorenbosch*, and it is respectfully requested that the rejection of Claim 1 be withdrawn.

Again, it is gratefully acknowledged that the Examiner has allowed Claims 4-11 and found allowable subject matter in Claims 2-3.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-11 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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